

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v.- :

NOLLE PROSEQUI

MICHAEL STEINBERG, :

S4 12 Cr. 121 (RJS)

Defendant. :

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1. The filing of this *nolle prosequi* will dispose of this case with respect to the defendant Michael Steinberg.

2. On March 28, 2013, superseding Indictment S4 12 Cr. 121 was filed, charging defendant Michael Steinberg with one count of conspiracy to commit securities fraud in violation of Title 18, United States Code, Section 371; and four counts of securities fraud in violation of Title 15, United States Code, Sections 78j(b) & 78ff; Title 17, Code of Federal Regulations, Section 240.10b-5, and Title 18, United States Code, Section 2. On December 18, 2013, the defendant was convicted on all counts after a jury trial. On May 16, 2014, this Court sentenced the defendant to 42 months' imprisonment and three years' supervised release, and ordered a \$2 million fine and \$365,142 in forfeiture. The defendant appealed, but his appeal was stayed pending the outcome of appellate litigation concerning related defendants Todd Newman and Anthony Chiasson. Steinberg has remained on bail pending resolution of his appeal.

3. Based on legal developments subsequent to the defendant's conviction, the Government has concluded that further prosecution of Michael Steinberg would not be in the interests of justice. On October 23, 2015, the Court of Appeals remanded this case to the District

Court so that this Court could consider this proposed order of *nolle prosequi*.

4. In light of the foregoing, we recommend that an order of *nolle prosequi* be filed as to defendant Michael Steinberg with respect to Indictment S4 12 Cr. 121 (RJS).

/s/ Harry A. Chernoff

HARRY A. CHERNOFF
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Dated: New York, New York
October 23, 2015

Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of *nolle prosequi* be filed as to defendant Michael Steinberg with respect to Indictment S4 12 Cr. 121 (RJS).

/s/ Preet Bharara

PREET BHARARA
United States Attorney
Southern District of New York

Dated: New York, New York
October 23, 2015

SO ORDERED:

HON. RICHARD J. SULLIVAN
United States District Judge
Southern District of New York

Dated: New York, New York
October ___, 2015